

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 SS-15 NSC-05 L-03 SSO-00

NSCE-00 INRE-00 /046 W

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O 022230Z FEB 76

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 8643

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FOR: EB/OA/AN - MR. RIMAS

EO 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR: BRANIFF FLIGHT REQUEST

REF: LIMA 0982, STATE 025053

1. AMBASSADOR, ECON CUN AND EMBOFF MET WITH MINISTER OF TRANSPORT AND COMMUNICATIONS, GEN ARTEMIO GARCIA VERGAS, ON MONDAY, FEBRUARY 2, TO DISCUSS GOP REFUSAL FOR BRANIFF FLIGHT 911. AMBASSADOR REVIEWED THE STATED REASONS FOR GOP REFUSAL TO APPROVE FLIGHT 911 (POUCHING DGAT REFUSAL LETTER) AND PRESENTED USG POSITION ON EACH OF THESE POINTS, STRESSING INTER ALIA THAT:

A. FLIGHT DOES NOT EXCEED LIMITE BETWEEN MIAMI AND LIMA ESTABLISHED IN UNDERSTANDING OF JULY 1975, SINCE THERE WOULD BE NO TRAFFIC CARRIED BETWEEN THES TWO POINTS. FLIGHT OTHER WISE FALL SWITHIN OVERALL LIMITS ESTABLISHED IN SUCH UNDERSTANDING:

B. ALLEGED VILATION ON FLIGHT 904 CONCERNS LEGIT-
IMATE CROSS-CONNECTION OF FLIGHT AT PANAMA FOR PASS-
ENGERS DESIRING TO LEAVE LIMA ON BRANIFF FOR WHATEVER
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REASONS THEY MIGHT HAVE AND WISHING TO MAKE CHANGE OF

FLIGHT IN PANAMA TO ANOTHER BRANIFF FLIGHT TO REACH MIAMI. THIS IS COMMON AIRLINE PRACTICE AND AEROPERU DOES THE SAME THING IN ITS CONNECTING FLIGHTS;

C. THE POSSIBILITY THAT BRANIFF MIGHT CARRY MIAMI-LIMA PASSENGERS ON FLIGHT 911 BY DOUBLE TICKETING MIAMI-QUITO AND QUITO-LIMA WOULD BE CONTRARY TO MUTUAL RESPECT AND TRUST CHARACTERISTIC OF RELATIONS BETWEEN TWO GOVERNMENTS AND WOULD BE VERY UNLIKELY AND UNWISE FROM A BRANIFF COMPANY STANDPOINT BECAUSE POTENTIAL BENEFITS OF SUCH DEVICE SIMPLY DO NOT EQUAL THE RISKS OF UPSETTING THE WHOLE UNDERSTANDING.

2. MINISTER LISTENED ATTENTIVELY, BUT STATED THAT HE COULD NOT REPEAT NOT OVERRULE THE DECISION OF THE INTER-MINISTERIAL TECHNICAL LEGAL COMMISSION (INCLUDING A REPRESENTATIVE FROM THE FOREIGN MINISTRY) WHICH HAD TURNED DOWN BRANIFF'S REQUEST FOR MIAMI PORTION OF FLIGHT 911. HE NOTED THAT TECHNICAL POINTS OF THIS NATURE SHOULD BE DISCUSSED BY TECHNICIANS OF BOTH COUNTRIES AND URGED THAT USG BE PREPARED TO BEGIN SUCH DISCUSSIONS AS SOON AS POSSIBLE. PENDING THESE DISCUSSIONS HE WOULD NOT OVERRULE COMMISSION EVEN TO EXTENT PROVISIONAL APPROVAL MIAMI STOP BECAUSE HE WOULD THEN BE VULNERABLE TO ATTACK FROM FOREIGN MINISTRY WHICH MIGHT ACCUSE HIM OF VIOLATING SPIRIT OF GOVERNMENT-TO-GOVERNMENT UNDERSTANDING.

3. AMBASSADOR AGREED THAT SUCH CONVERSATIONS WILL BE VERY USEFUL AND ARE NEEDED, BUT REITERATED SUGGESTION THAT THE MINISTER APPROVE FLIGHT 911 ON A PROVISIONAL BASIS UNTIL THESE CONVERSATIONS TOOK PLACE. THE MINISTER ADHERED TO HIS ORIGINAL POSITION THAT HE COULD NOT OVERRULE THE TECHNICAL COMMISSION.

4. DURING THE COURSE OF THE CONVERSATION THE MINISTER MENTIONED THAT HIS TECHNICIANS CONSIDERED STYLES' LETTER OF JANUARY 20 AS "THREATENING," THAT IS, THAT NEW YORK PERMIT WOULD NOT BE ISSUED UNLESS AEROPERU STOPPED OPERATING AT MEXICO CITY. WE POINTED OUT THAT ON THE LIMITED OFFICIAL USE

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CONTRARY THE LETTER WAS FRIENDLY IN TONE, AND ACTUALLY PROPOSED A SOLUTION TO THE PROBLEM THAT HAD DEVELOPED BECAUSE AEROPERU WAS STOPPING AT MEXICO CITY, A POINT NOT AUTHORIZED IN THE ROUTE DESCRIPTION IN THE UNDERSTANDING. FAR FROM NOT LIVING UP TO ITS COMMITMENT TO ISSUE PERMIT FROM NEW YORK AS SPECIFIED IN UNDERSTANDING, STYLES HAD ON SEVERAL OCCASIONS (REPEATED IN HIS LETTER OF JANUARY 20) OFFERED TO ISSUE

NEW YORK PERMIT FOR PEROPERU IMMEDIATELY, BUT EXPLAINED THAT, IN ORDER TO AVOID A PROBLEM OVER MEXICO, THE PERMIT HAD NOT BEEN ISSUED PENDING THE SOLUTIONS PROPOSED BY STYLES IN OCTOBER 1975 AND JANUARY 1976.

5. AMEBASSADOR ALSO LEFT WITH MINISTER A TALKING POINTS PAPER PREPARED TO REPLY TO REASONS FOR REFUSAL TO APPROVE BRANIFF FLIGHT 911. THIS MEMORANDUM WAS LEFT WITH FOREIGN MINISTRY SECRETARY GENERAL MARCHAND ON JANUARY 30. IN A TELECON ON ANOTHER MATTER WITH DCM ON FEB 2, AMBASSADOR MARCHAND MENTIONED THAT PROBLEM OF BRANIFF FLIGHT PRESENTED "DIFFICULTIES" FOR PERU.

6. ACTION REQUESTED: WE CONTINUE TO BELIEVE THAT A VISIT BY STYLES AT THE EARLIEST OPPORTUNITY TO CONTINUE DIS-

CUSSIONS OF PENDING CIVAIR MATTERS OFFERS BEST POSSIBILITY OF SOLUTION, NOT ONLY ON THIS PARTICULAR FLIGHT, BUT ALSO ON THE REMAINING POINTS STILL AT ISSUE.
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Margaret P. Grafeld
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